

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

ORDER NO. R9-2002-0052

**ADMINISTRATIVE CIVIL LIABILITY
AGAINST
PROMENADE, INC.
PACIFIC BEACH PROMENADE DEWATERING
FOR
NONCOMPLIANCE WITH
ORDER NO. 96-41
NPDES NO. CAG919002**

The San Diego Regional Water Quality Control Board, San Diego Region (hereinafter SDRWQCB), having held a Regional Board Meeting on May 8, 2002, to hear evidence and comments on the allegations contained in Amended Complaint No. R9-2002-003, dated April 19, 2002, and on the recommendation for administrative assessment of Civil Liability in the amount of \$51,000 finds as follows:

1. On June 13, 1996, the SDRWQCB adopted Order No. 96-41, *General Waste Discharge Requirements for Groundwater Extraction Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay*. On May 7, 1993, Promenade, Inc. was approved to discharge wastewater from the permanent dewatering project located at 4150 Mission Boulevard in the City of San Diego. The site discharges to Mission Bay through a storm drain, in accordance with the discharge requirements set forth in Order No. 96-41.
2. In October, and December 2000, the discharger's self-monitoring report (SMR) indicated discharge concentrations of total suspended solids beyond the permitted limit.
3. In June 2000, the discharger's SMR indicated discharge concentrations of cyanide beyond the permitted limit.
4. In December 2000 and June 2001, the discharger's SMR indicated a discharge concentration of copper beyond the permitted limit.
5. In December 2000 and February 2001, the discharger's SMR indicated a discharge concentration of zinc beyond the permitted limit.

6. In June and August 2001, the discharger's SMR indicated a discharge concentration for chronic toxicity beyond the permitted limit.
7. Under Sections 13385(h) and (i) of the California Water Code, seventeen violations are subject to mandatory penalties as outlined in the attachment titled Table 1, Summary of Violations, Promenade, Inc. Pacific Beach Promenade Dewatering.
9. The total amount of the mandatory minimum penalty is \$51,000.
10. The SDRWQCB incurred costs totaling \$4,400 which includes preparation of enforcement documents, preparation for and attendance at meetings, and public hearings.

IT IS HEREBY ORDERED that, pursuant to Section 13385 of the California Water Code, civil liability is imposed on Promenade, Inc. in the amount of fifty one thousand dollars (\$51,000) and is payable to the State Water Resources Control Board for deposit into the State Water Pollution Cleanup and Abatement Account within 30 days of adoption of this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability issued by the California Regional Water Quality Control Board, San Diego Region on May 8, 2002.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer

Table 1. Violation Summary for Pacific Beach Promenade Dewatering, March 2000

Date of Violation	Violation	Permitted Limit	Reported Value	Pollutant Category	Ratio, Reported: Permitted	Serious/ Chronic	Water Code Section 13385	Penalty
6/23/00	cyanide inst. max	10 µg/L	340 µg/L	2	34	Serious	(h)(1)	\$3,000
6/23/00	cyanide daily max	4 µg/L	340 µg/L	2	85	Serious	(h)(1)	\$3,000
6/23/00	cyanide 6-month median	1 µg/L	340 µg/L	2	340	Serious	(h)(1)	\$3,000
10/30/00	TSS instantaneous max	50 mg/L	101 mg/L	1	2	Serious	(h)(1)	\$3,000
10/30/00	TSS 30-day average	30 mg/L	101 mg/L	1	3.4	Serious	(h)(1)	\$3,000
12/29/00	TSS instantaneous max	50 mg/L	58 mg/L	1	1.2	Chronic	(i)(1)	\$3,000
12/29/00	TSS 30-day average	30 mg/L	58 mg/L	1	1.9	Serious	(h)(1)	\$3,000
12/29/00	copper daily max	12 µg/L	200 µg/L	2	16.7	Serious	(h)(1)	\$3,000
12/29/00	copper instantaneous max	30 µg/L	200 µg/L	2	6.7	Serious	(h)(1)	\$3,000
12/29/00	copper 6-month median	3 µg/L	200 µg/L	2	66.7	Serious	(h)(1)	\$3,000
12/29/00	zinc daily max	80 µg/L	3000 µg/L	2	37.5	Serious	(h)(1)	\$3,000
12/29/00	zinc instantaneous max	200 µg/L	3000 µg/L	2	15	Serious	(h)(1)	\$0
12/29/00	zinc 6-month median	20 µg/L	3000 µg/L	2	150	Serious	(h)(1)	\$0
2/27/01	zinc instantaneous max	200 µg/L	500 µg/L	2	2.5	Serious	(h)(1)	\$3,000
2/27/01	zinc daily max	80 µg/L	500 µg/L	2	6.3	Serious	(h)(1)	\$0
2/27/01	zinc 6-month median	20 µg/L	500 µg/L	2	25	Serious	(h)(1)	\$0
6/18/01	chronic toxicity	1 TUc	2 TUc	N/A	N/A	Chronic	(i)(1)	\$3,000
6/21/01	copper instantaneous max	30 µg/L	200 µg/L	2	6.7	Serious	(h)(1)	\$3,000
6/21/01	copper daily max	12 µg/L	200 µg/L	2	16.7	Serious	(h)(1)	\$3,000
6/21/01	copper 6-month median	3 µg/L	200 µg/L	2	66.7	Serious	(h)(1)	\$3,000
8/23/01	chronic toxicity	1 TUc	16 TUc	N/A	N/A	Chronic	(i)(1)	\$3,000

Total Penalty \$51,000